

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 7, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-35049 - APPLICANT: TUNE & LUBE PLUS - OWNER:
CHARLESTON PLAZA**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 16, 2009 CITY
COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.***

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. There shall be a one-year administrative review.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for an Auto Repair Garage, Minor use.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for an Auto Repair Garage, Minor to be located at 1752 East Charleston Boulevard. Currently, the site consists of an existing building of 7,216 square feet containing a garage facility with two bays not facing the public right-of-way, a second garage, and two restaurants. Previously, the proposed site for the garage was occupied by another tenant that also operated a garage. The previous garage ceased operation 03/10/08, and the business's Special Use Permit expired one year later, therefore a new Special Use Permit for the proposed use at that location must be obtained. If denied, the proposed use will not be permitted within the commercial retail shopping plaza. Staff is recommending approval of the request as it is a permitted use within the C-1 (Limited Commercial) zoning designation and can be conducted in a manner that is compatible with surrounding land uses.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
09/26/91	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-226-91) to allow a minor automotive service and repair facility located at 1752 East Charleston Boulevard.
01/28/92	The Board of Zoning Adjustment approved a request for a Variance (V-186-91) to allow a Major Automotive parts exchange (transmissions) where such use is not allowed, and a minor automotive repair and service facility located at 1752 East Charleston Boulevard.
04/22/04	A deed was recorded for change of ownership.
11/17/04	A Code Enforcement case (#23827) was processed for vehicle sales at 1752 East Charleston Boulevard. The case was closed by Code Enforcement on 01/13/05.
02/08/05	A Code Enforcement case (#25805) was processed for illegal storage of vehicles at a shopping center, no major auto repairs at C-1 zoned property and other zoning/business license violations at 1752 East Charleston Boulevard. The case was closed by Code Enforcement on 04/27/05.
11/21/05	A Code Enforcement case (#36448) was processed to verify conditions of use; applicant was licensed for Minor Auto Repair but operated a Major Auto Repair, and applicant also stored vehicles in shopping center parking spaces 1752 East Charleston Boulevard. The case was closed by Code Enforcement on 09/27/07.
11/28/07	A Code Enforcement case (#60134) was processed for graffiti at 1752 East Charleston Boulevard. The case was closed by Code Enforcement on 12/04/07.
08/13/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #18/ao).

<i>Related Building Permits/Business Licenses</i>	
06/22/92	A building permit (#93149970) was issued for a non-work certificate of occupancy at 1752 East Charleston Boulevard. The permit was completed on 11/13/92.
10/08/92	A building permit (#92162999) was issued for a tenant improvement at 1752 East Charleston Boulevard. The permit was completed on 11/19/92.
12/14/92	A building permit (#92170076) was issued for a non-work certificate of occupancy at 1752 East Charleston Boulevard. The permit was completed on 03/11/93.
06/26/00	A business license (#G03-02252) was issued for a garage major auto repair at 1752 East Charleston Boulevard. The license was marked out of business on 03/10/08.
02/20/04	A business license (#R05-00028) was issued for a restaurant - take out only at 1752 East Charleston Boulevard. The license is still active.
09/28/04	A business license (#E03-00442) was issued for an express delivery service at 1752 East Charleston Boulevard. The license was marked out of business on 03/10/08.
07/16/07	A business license (#G02-00448) was issued to for a garage minor auto repair at 1752 East Charleston Boulevard. The license is still active.
05/26/09	A business license application (#G02-99289) was submitted for a garage-minor auto repair at 1752 East Charleston Boulevard. The license was denied by the Planning Development Department on 06/24/09 pending approval of Special Use Permit.
06/01/09	A business license (#R09-01508) was issued for a restaurant with seating for 45 or more at 1752 East Charleston Boulevard. The license is still active.
<i>Pre-Application Meeting</i>	
06/12/09	<p>A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for Automotive Repair Garage Minor were discussed. Topics included:</p> <ul style="list-style-type: none"> • Application materials, documents, meeting dates and submittal deadlines were also discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one conducted.	
<i>Field Check</i>	
07/09/09	<p>During a routine site inspection staff observed:</p> <ul style="list-style-type: none"> • There is adequate space for the proposed location of the facility; the facility will not interfere with on-site parking or circulation. • The subject site contains an existing 7,216 square-foot building with multiple tenants. • The building façade has multiply banner signs that are not permitted. This issue has being referred to Code Enforcement.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	.76 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
North	Restaurant	C (Commercial)	C-1 (Limited Commercial)/ C-2 (General Commercial)
South	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
East	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
West	Restaurant Establishment	C (Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
Las Vegas Downtown Redevelopment Plan	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	37,521 S F	1:250	1,208	23			Y
TOTAL (including handicap)			1,231 S F		1,272 S F		

ANALYSIS

This is a request for a Special Use Permit for a proposed Auto Repair Garage Minor, within an existing Commercial Retail Shopping Center located at 1752 East Charleston Boulevard. The subject site is part of a multi-lot commercial subdivision, with shared access and parking defined by the final map. This gives the uses associated with the subdivision ample parking. The hours of operation for the store will be from 8:00 am from 5:00 pm Monday through Friday; and 8:00 am to 1:00 pm on Saturdays. The subject site was previously occupied by a tenant that also operated a garage. This garage ceased operation 03/10/08, and the business's Special Use Permit expired one year later, therefore a new Special Use Permit for the proposed use must be obtained. The current proposed use complies with all minimum Special Use Permit requirements of Title 19.04, and can be conducted in a manner that is compatible with existing surrounding land uses; therefore, staff recommends approval of this request.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Auto Repair Garage Minor use can be conducted in a manner that is harmonious and compatible with the existing surrounding commercial uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is part of a larger commercial subdivision that can accommodate a variety of uses, and is physically suitable for the proposed Auto Repair Garage Minor use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the site is via a driveway from Charleston Boulevard which is a 100-foot wide Primary Arterials, according to the Master Plan of streets and Highways.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed use on this site will be subject to periodic inspection by regulatory agencies for business licensing and environmental health, and it will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed Auto Repair Garage Minor meets the minimum special use permit requirements of Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission added condition #1 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 12

SENATE DISTRICT 10

NOTICES MAILED 196 by City Clerk

APPROVALS 0

PROTESTS 0